

**CITY OF CENTRAL
CITY COUNCIL MEETING
February 7, 2012**

CALL TO ORDER

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:03 p.m., in City Hall on February 7, 2012.

ROLL CALL

Present: Mayor Engels
Alderman Spain
Alderman Voorhies
Alderman Lee
Alderman Giancola

Absent: None

Staff Present: Manager Lanning
Attorney Michow
City Clerk Bechtel
Finance Director Flowers
CDD/HPO Thompson
Operations Director Kisselman
Water Department Manager Griffith

The Pledge of Allegiance was recited by all present.

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA

The agenda was approved as presented.

CONFLICTS OF INTEREST

No Council Member disclosed a conflict regarding any item on the agenda.

CONSENT AGENDA

Alderman Spain moved to approve the consent agenda containing the regular bill lists of January 19, 26 and February 2; and the City Council minutes of January 17, 2012. Alderman Voorhies seconded and, without discussion, the motion carried unanimously.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

LIQUOR LICENSE AUTHORITY

Alderman Voorhies moved to open the Liquor Licensing Authority. Alderman Giancola seconded and, without discussion, the motion carried unanimously.

City Clerk Bechtel explained that this is actually two separate events for Luna Gaming Central City LLC. They are changing their trade name from Fortune Valley Hotel & Casino to Reserve Casino Hotel and they are doing a Report of Changes for their corporate structure.

Alderman Spain moved to approve the Report of LLC changes and Trade Name change for Luna Gaming Central City LLC d/b/a Reserve Casino Hotel f/k/a Fortune Valley Hotel & Casino at 321 Gregory Street. Alderman Voorhies seconded and, without discussion, the motion carried unanimously.

Alderman Giancola moved to close the Liquor Licensing Authority. Alderman Voorhies seconded and, without discussion, the motion carried unanimously.

SECOND READING & PUBLIC HEARING

Ordinance No. 12-01: *An ordinance authorizing the City of Central to enter into a Municipal Lease Purchase Agreement and related documentation with Ally Financial for the lease and purchase of a 2012 Chevrolet Silverado pickup truck and a 2012 Chrysler/Dodge Ram 5500 chassis cab truck for public works purposes.*

Finance Director Flowers gave the background as follows: As part of Council's visioning process during 2011, it was determined that one important priority for 2012 would be repairing and/or replacing old or broken large equipment and infrastructure. Based on this, the 2012 Adopted Budget allocated funding for the Public Works Department to acquire some much needed new equipment and vehicles. The Public Works Department did an assessment of all existing equipment and vehicles to determine which trucks and/or equipment needed to be addressed first. The result of this assessment was the replacement of two (2) of the Department's oldest trucks and the equipment associated with those vehicles.

In the process, another one of the City's trucks became inoperable making the purchase of these trucks in a quick manner even more important. Therefore, based on the City's current working relationship with Medved and the availability of the trucks and equipment the Department needs, the City felt that this was a sole sourcing event as described in Section 4-247 and also fell within Section 4-243 (b)(1) as an emergency due to the lack of fleet for the Department.

The City has secured financing with Ally Financial for the purchase of two (2) new trucks as follows: one 2012 Chevrolet Silverado 3500, one 2012 Chrysler Dodge Ram 5500 and the equipment necessary to outfit the vehicles. The total financed price for the lease purchase of the above is \$125,333. The preliminary annual interest rate is 5.94% and the term of the financing is four (4) years. The total amount of interest to be paid over the term of the lease purchase is \$11,047.40. Each annual payment will be \$34,094.10. This purchase adheres to the adopted funding allocations for vehicles and equipment in the Public Works Department under line items 01-431-7420 Lease Purchase Payments (budgeted amount of \$98,000) and 01-431-7424 Equipment Purchase (budgeted amount of \$60,000).

As TABOR does not allow the City to enter into any multiple year debt or financings, this lease purchase agreement is based upon an annual budget appropriation and annual renewal.

As Council has previously approved other funding out of the line items referenced, below is a detail of the expenditures that will be coming out of those line items to reflect that this request is still within budget compliance.

The total amount budgeted between line items 01-431-7420 and 01-431-7424 is \$158,000.

Snow Plow Lease Payment	\$58,000.00		
Street Sweeper Lease Payment	\$28,956.61		
<u>Proposed Trucks Purchases</u>	<u>\$34,095.10</u>		
Total Expenditures	\$121,051.71	Remaining	\$36,948.29

At 7:10 p.m., Mayor Engels opened the Public Hearing. Hearing no comment, at 7:11 p.m., Mayor Engels closed the Public Hearing.

Alderman Voorhies moved to adopt Ordinance No. 12-01: An ordinance authorizing the City of Central to enter into a Municipal Lease Purchase Agreement and related documentation with Ally Financial for the lease and purchase of a 2012 Chevrolet Silverado pickup truck and a 2012 Chrysler/Dodge Ram 5500 chassis cab truck for public works purposes. Alderman Spain seconded and, without discussion, the motion carried unanimously.

NEW BUSINESS

Central City Promise Program Request – Megan Spellman

Finance Director Flowers gave the background as follows:

The Central City Promise Program was initiated by City Council to encourage high school graduates and G.E.D. recipients of Central City to make post-secondary education a priority. The Promise Program helps make it possible for Central City residents to attend a university, community college or trade school by providing assistance with the costs associated with attending one of these educational institutions. The 2012 Budget has \$10,000 allocated for the Promise Program. Megan Spellman is requesting Promise Program funds in the amount of \$5,000.00 and has submitted all of the required information and paperwork. This is Ms. Spellman's first request of the year and will put her at the maximum allowed annual disbursement for 2012. This is Ms. Spellman's final semester is college and this is therefore her last application request for the Central City Promise Program. Granting this request in full will leave this line item with a remaining budget of \$5,000. The City may receive more grant requests over the course of 2012.

Alderman Spain moved to award Megan Spellman with post-secondary educational tuition assistance in the amount of \$5,000. Alderman Voorhies seconded. In discussion, Alderman Lee stated that she would like to approve half of the request and have her put in an additional request when she is complete for the remainder if needed so there is more available in the event we get additional requests. Alderman Lee also stated that we have other needs in the budget if it is not spent. Alderman Lee made a motion to amend the motion to award \$2500. The amended motion died for lack of a second. When Mayor Engels called the question, the motion carried 4 votes to one with Alderman Lee voting no.

Resolution No. 12-02: A resolution of the City Council of the City of Central, Colorado approving a Settlement Agreement and Release By and Between Central City, Ruby Elaine Culpepper and Colorado Coach Transportation, LLC.

Attorney Michow explained that the Council is asked to consider approval of Resolution No. 12-02 to approve a Settlement Agreement and Release among the City, Colorado Coach Transportation, LLC and Ruby Elaine Culpepper. As Council is aware, Ms. Culpepper filed a complaint in federal district court against the City and Colorado Coach Transportation; LLC ("CCT") alleging that the City and CCT violated the Americans with Disabilities Act ("ADA") and that CCT also violated the Colorado Anti-Discrimination Act by not providing a wheelchair accessible shuttle on two separate

occasions in April, 2011. The agreement between the City and CCT for shuttle services requires CCT to comply the ADA. Without admitting any liability or wrongdoing, the City, by and through CIRSA appointed counsel, has been successful in negotiating a settlement among the parties. The proposed settlement provides for monetary payment of \$2,000.00 directly to Ms. Culpepper along with reimbursement of Ms. Culpepper's attorneys fees in the negotiated amount of \$17,302.00. It is anticipated that the City will pay the attorneys fees upfront, with reimbursement from CCT through discounted invoices for the shuttle service spread over the remainder of the year. This arrangement will require a written amendment to the agreement between the City and CCT to be negotiated and signed by the City Manager (with assistance from the City Attorney) as authorized by the Resolution.

By approving the attached Settlement Agreement, the City will avoid the expense of litigation. The City is authorized to enter into such an Agreement under its general corporate powers.

Manager Lanning stated that there is some possibility that this issue will come back.

Alderman Spain moved to approve Resolution No. 12-02: A resolution of the City Council of the City of Central, Colorado approving a Settlement Agreement and Release By and Between Central City, Ruby Elaine Culpepper and Colorado Coach Transportation, LLC. Alderman Voorhies seconded and, without discussion, the motion carried unanimously.

STAFF REPORTS

Manager Lanning stated that staff continues to provide routine maintenance as we go through the winter and are preparing for spring/summer projects.

COUNCIL COMMENTS

Alderman Spain thanked Operations Director Kisselman for his excellent job on Channel 9 news promoting the City and giving the information that the roads were clear.

PUBLIC FORUM/AUDIENCE PARTICIPATION

Gloria Gaines, 781 Martin Drive, noted the excellent snow removal by the Public Works Department following the recent snowstorm.

Hearing no further business, Mayor Engels adjourned the meeting at 7:30 p.m.
The next regular Council meeting is scheduled for February 21, 2012 at 7:00 p.m.

Ronald E. Engels, Mayor

Reba Bechtel, City Clerk